

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, NOVEMBER 18, 2009 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2009-May 2010</b>	
		<b>Present</b>	<b>Absent</b>
Tom Welch, Chair	P	4	2
Patrick McTigue, Vice Chair	P	6	0
Catherine Maus	P	4	1
Rochelle Golub	P	5	1
Maria Freeman	P	4	2
Fred Stresau	P	6	0
Mike Moskowitz	A	5	1
Michelle Tuggle	P	6	0
Peter Witschen	P	5	1

**Staff**

Wayne Jessup, Deputy Director of Planning and Zoning  
Sharon Miller, Assistant City Attorney  
Michael Ciesielski, Planner II  
Thomas Lodge, Planner II  
Randall Robinson, Planner II  
Adrienne Ehle, Planner III  
Terry Burgess, Chief Zoning Examiner  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None at this time.

**Index**

	<b><u>Case Number</u></b>	<b><u>Applicant</u></b>
1.	33-R-09** *	Shepherd of the Coast Lutheran Church, Inc. / City of Fort Lauderdale
2.	60-R-09** *	21 <sup>st</sup> Century Holding Company / Child Day Care Center
3.	11-ZR-09** *	North Broward Hospital District / Parking Lot
4.	Communications to the City Commission	
5.	For the Good of the City	

## **Special Notes:**

**Local Planning Agency (LPA) Items (\*)** – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

**Quasi-Judicial Items (\*\*)** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

## **Call to Order**

Chair Welch called the meeting to order at 6:30 p.m. Roll call was called and all stood for the Pledge of Allegiance. It was noted a quorum was present.

Chair Welch introduced the Board, and Deputy Planning and Zoning Director Jessup introduced the members of City Staff in attendance. Attorney Miller explained the quasi-judicial process used by the Board.

Chair Welch noted there had been a request for the deferral of Item 1 on tonight's Agenda until the December 16, 2009 meeting. **Motion** made by Ms. Golub, seconded by Ms. Maus, to defer Item 1 until the December 16, 2009 Board meeting. In a voice vote, the **motion** carried unanimously.

**Motion** made by Vice Chair McTigue, seconded by Mr. Stresau, to approve the minutes of the October 21, 2009 meeting. In a voice vote, the **motion** carried unanimously.

**Motion** made by Ms. Golub, seconded by Ms. Maus, to approve the minutes of the November 4, 2009 Special Meeting. In a voice vote, the **motion** carried unanimously.

**Motion** made by Ms. Maus, seconded by Ms. Golub, to change the date of the January 2010 meeting to Tuesday, January 19, 2010, at 6:30 p.m. In a voice vote, the **motion** carried unanimously.

2. **21<sup>st</sup> Century Holding Company /**                      **Thomas Lodge**                      **60R09**  
**Child Day Care Center**

**Request: \*\* \***                      **Conditional Use Approval / Change of Use from  
Office to Child Day Care Facility / CB**

Legal                      Lot 7, less the North 10 feet thereof, in Block 7, in Section  
Description:                      "A" Breezeway Manor, according to the Plat thereof,  
recorded in P.B. 20, P. 33, of the Public Records of  
Broward County, Florida.

Address:                      3690 Davie Boulevard

General                      South Side of Davie Boulevard between SW 36 Avenue  
Location                      SW 37 Avenue

District:                      3

Disclosures were made and any members of the public wishing to speak on this item were sworn in.

Michael Philpot, representing the Applicant, stated approval is sought for a conditional use change from office space to day-care facility, with a maximum capacity of 40 children. The building is 16 ft. in height.

Thomas Lodge, Planner, advised the building would house an intermediate day-care facility in the CB zoning District. Staff confirms that the conditional use is permitted by Code, and consistent with the Comprehensive Plan. The Sunset Civic Association has given a positive recommendation for the project. Mr. Lodge submitted a copy of their letter into the record.

Mr. Witschen requested more information about the facility's operator and management plan, and how it will fit into the existing commercial corridor at its location.

Bridgette Seville, Applicant, explained the facility will open at 6:30 a.m. and close at 6:00 p.m. The day-care center is currently located across the street from the site. It will accommodate students from low-income families in the community.

Ms. Golub asked Mr. Lodge if any exceptions would be necessary for landscaping or outdoor space on the site. Mr. Lodge pointed out that everything the Applicant has proposed meets the Code for day-care facilities.

Ms. Golub observed that the information included in the packet and the Staff Report does not match, and that the Application actually proposes just over 6000 sq. ft. for the proposed play area. The entire lot is 14,000 sq. ft. She asked if the

Board must approve a site plan for the facility. Mr. Lodge explained that the only proposed change is to conditional use.

Ms. Tuggle expressed concern with the traffic in the facility's neighborhood, noting that the only entrance to the property is from Davie Boulevard. She asked how cars might be prevented from "lining up" on that street when children are dropped off in the morning.

Mr. Philpot advised that only a few parents drop off their children early in the morning. He referred the Board to sheet #1, which shows ingress and egress at the same location. Parking is provided for parents while they walk their children into the day-care center.

Ms. Maus asked for the current enrollment of the facility. Mr. Philpot replied it is currently 37 students.

Ms. Seville explained that most parents walk their students to the facility, as it serves the nearby community, including Melrose Park and the Sunset area. The center also has a policy requiring parents to call ahead and inform employees when they will be picking up their students, which allows children to be ready ahead of time. She concluded that the system works smoothly at the current location.

Chair Welch asked to return to Ms. Golub's earlier question regarding landscaping. Mr. Lodge stated that while 7268 sq. ft. were listed on the Application, this is inconsistent with the actual site plan provided by the architect, which shows 4014 sq. ft. of landscaping. CB zoning has no landscaping requirement other than 20% for the "v-way" and 10 ft. for the yard adjacent to a residential property.

Ms. Golub noted she could not tell if the traffic flow had been approved, as well as the inconsistency of the area as listed on the site plan. While she felt the day-care center would be a "wonderful use," she was not convinced the Board could approve the site plan before them.

Terry Burgess, Chief Zoning Examiner, stated the site plan is reviewed by the Engineering Department. Furthermore, as Code is written, less than 10 spaces allow for "dead-end" parking, with a 24 ft. drive aisle considered adequate for turning around.

Ms. Golub asked if the Engineering Department had taken use into consideration, allowing for up to 40 children but only 7 parking spaces. Mr. Burgess stated it was assumed that all students would not be arriving and/or departing at exactly the same time. Ms. Golub observed she did not have "a lot of comfort" that the internal flow of the building was appropriate for its use as a day-

care center. Mr. Burgess clarified that he was not testifying that he felt the number of spaces was adequate for the use.

Mr. Stresau declared he was "appalled" that only 7 parking spaces for a site on Davie Boulevard, with no turnaround, were approved by Engineering. Referring to the parents and children walking in from the neighborhood, he felt this would only add to the danger of cars coming in and out onto Davie Boulevard. He noted that the sidewalk shown on the site plan is not actually a sidewalk, but a 3 ft. wide space paved with asphalt.

Mr. Witschen agreed he was "troubled" by the site plan and use in the location as well.

Ms. Maus asked if there is a break in the median when traveling west on Davie Boulevard, which would allow for a left turn. Mr. Lodge advised the closest break in the median is 1 to 1.5 blocks to the west.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Ms. Freeman asked if it is possible for the lot to be redesigned to place parking in the corner of the site, rather than in its interior. Mr. Philpot replied this would not be possible, as the playground area is landscaped and an asphalt driveway leads to the property. Adjustments have already been made to create an open-space area for the children.

Ms. Freeman noted that a handicap-accessible parking space already exists on the property's east side. Mr. Philpot explained that in order to meet requirements, this space has been "abandoned" after consultation with the Planning and Zoning Department as well as the Engineering Department.

Deputy Director Jessup pointed out that the plans provided to the Board are not the same as the plans previously submitted for the DRC process; the DRC plans, he explained, show a turnaround on the site. He proposed that the Item be deferred until the next scheduled meeting, at which time the appropriate materials would be provided for the Board.

**Motion** made by Mr. Witschen, seconded by Ms. Freeman, to defer the Application until the December 2009 Board meeting.

Ms. Golub stated she wished to ensure that the Engineering Department has sufficient opportunity to "check the numbers and... statistics" on the site plan, in order to ensure accuracy.

She offered an **amendment** to the **motion** that would require the Applicant direct their engineer to make sure the plans given the Board are correct, with respect to other aspects of the site plan as well as to the turnaround. Mr. Witschen accepted Ms. Golub's **amendment**, and Ms. Freeman seconded the **amendment**.

Mr. Witschen noted that because day-care facilities differ from "normal retail," he was curious as to the traffic patterns related to the site. Ms. Maus recalled that the testimony given had stated only six or seven cars use the facility, while other students walk; she asked if Mr. Witschen was requesting a traffic study. He clarified that he would like "something independent" in addition to the testimony given, although he noted a traffic study would be onerous.

Ms. Golub asked if City Staff might already have access to a "traffic statement" regarding the portion of road in question. Mr. Burgess advised that this would be less expensive than a full traffic study.

Mr. McTigue asked if the Applicant did not feel parking could be moved to the west side of the building, although changes to the pavement and landscaping would have to be done at the Applicant's expense. He felt this particular change would address "a lot of that problem."

**Amendment** made by Ms. Golub that the Board defer a vote on the site plan until the Board obtains corrected plans that are accurate with respect to the site plan, and changes made through Staff; that the Board also gets a traffic statement to help them determine the efficacy of a day-care center at the location. Mr. Witschen agreed to accept the restated **amendment**, which was seconded by Ms. Freeman.

In a roll call vote, the **amended motion** carried unanimously.

**3. North Broward Hospital District / Parking Randall Robinson 11ZR09 Lot**

**Request: \*\* \*      Rezoning to XP including Site Plan Approval / Surface Parking Lot / RMH-60 / Northwest Regional Activity Center**

**Legal Description:** ~~Lots 9 through 16 inclusive, Block 203 F.R. Oliver's Amended Plat of Seminole Addition to Fort Lauderdale, according to the Plat thereof, as recorded in P.B. 1, P. 88, of the Public Records of Miami-Dade County, Florida.~~

**Address:** 1101 NW 1 Street

**General Location** North Side of NW 1 Street at NW 12 Avenue

**District:** 3

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Robert Lochrie, representing the Applicant, stated the request is for rezoning to exclusive-use parking, as well as site plan approval, for a surface lot to provide overflow parking for the Specialty Care Center located between 11<sup>th</sup> and 12<sup>th</sup> Avenues. He provided aerial photos for the Board showing existing parking facilities, as well as the lot for which rezoning is requested.

The existing property is zoned RMH-60, while the property to the east is zoned B-3 and along Broward Boulevard it is B-1. RMH-60 is the City's "most intense residential District," ordinarily reserved for the Galt area.

Mr. Lochrie explained that the Specialty Care Center provides a "wide range of specialty medical services," often to patrons in the surrounding area. They serve both insured and uninsured clients. The existing parking is somewhat limited, which is the reason for the request before the Board.

Improvements to the lot are planned as per the site plan that accompanies the rezoning request, including building the parking facility and saving the trees currently on the property's perimeter. The Applicant also plans to install seven new live oaks around the parking area, as well as other species of trees. A sidewalk will also be added for pedestrian access.

Mr. Lochrie concluded that the project was presented to the Dorsey Riverbend Homeowners' Association earlier in the month, and was accepted by that organization.

Randall Robinson, Planner, reiterated that the request is to rezone the property in question in order to provide overflow parking.

Ms. Maus advised she had visited the site, and noted that the north side of the proposed parking directly abuts a residential area. She asked what is being done to screen that neighborhood on a lower level than the trees. Mr. Lochrie responded that an alley currently lies along this area; the Applicant has pulled the site plan eight feet away from this alley, and plans to install a wall. Between the wall and the property line of the alley, additional landscaping will also be provided. The wall will be 6 ft. in height.

Ms. Golub asked if the XP designation is the only way to acquire rights to a parking lot; furthermore, should the Board approve this Application, she wondered what would happen when development made this use less appropriate for the property.

Mr. Lochrie advised another option, particularly in mixed-use areas, would be to rezone the area to B-1, B-2, or B-3. He noted that exclusive-use parking provides additional security assurance to the neighborhood, as nothing but surface-use parking is allowed in XP zoning.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Maus, seconded by Ms. Golub, to approve the Application with Staff recommendations. In a roll call vote, the **motion** carried unanimously.

#### **4. Communications to City Commission**

There were no communications at this time.

In response to a question from Ms. Golub, Attorney Miller noted that materials sent to Board members regarding specific cases, which are considered as part of the criteria used in determining a vote, are to be submitted as part of the case file as well as disclosed before quasi-judicial Items are presented.

Ms. Golub explained that she had wished to ensure such materials are part of the case file, and added that the letter in question, which was in reference to the recent Bahia Mar Application, had "raised some interesting points," which she hoped would be presented before the City Commission if or when the Item appeared before that body for approval.



**5. For the Good of the City**

Adrienne Ehle, Planner, stated that a special Planning and Zoning meeting had been held on November 4, 2009. At that time, consultants Winter & Company had presented documents and information regarding revisions to the neighborhood development criteria. As it had been suggested that a second special meeting should be scheduled, she asked that the Board select a date certain for this second meeting. She explained that the consultants wished to present their material to the Board and the public for a second time, as the materials were "very complex," and to allow the public to hear the Board's responses and present their comments as well.

She clarified that no additional material would be presented at that time, but a further exploration of the materials received at the November 4 meeting.

Mr. Witschen noted he had not been informed of the November 4 meeting. Mr. Stresau agreed an email reminder would have been helpful to the Board members. Deputy Director Jessup stated more notice would be provided for special meetings in the future.

It was determined that the special meeting would be held on February 24, 2010, at 6:30 p.m.

Ms. Ehle added that at the November 4 meeting, Director Brewton had advised a package would be sent to each neighborhood association president, including a CD with the documents provided that evening and two comment sheets. She stated she would distribute these packages to the Board members upon adjournment.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:29 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]

  
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Chair

  
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Prototype